

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-6, 9-11, 13-18, 21-26, 28, 30-35, and 41, 43, 45, 47, and 49 are pending in the present application, Claims 1, 11, 21, 28, and 30-35 having been amended, Claim 49 having been added, and Claims 8, 20, 27, 36, 42, 44, 46, and 48 having been canceled without prejudice or disclaimer. Support for the amendments to Claims 1, 11, 21, 28, and 30-35 is believed to be self-evident from the originally filed application and previously presented Claim 42. Support for new Claim 49 is found, for example, in Applicant's Fig. 2 (and its description in the specification). Applicant respectfully submits that no new matter is added.

In the outstanding Office Action, Claim 11 was rejected under 35 U.S.C. §112, second paragraph; Claims 1, 11, 28, 30, 33, 34, 41, 43, and 47 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishio (U.S. Patent Publication No. 2005/0251569) in view of Denman et al. (U.S. Patent No. 6,745,240, hereinafter Denman); Claim 35 was rejected under 35 U.S.C. §103(a) as unpatentable over Nishio in view of Denman, and further in view of Carcerano et al. (U.S. Patent No. 6,308,205); Claims 9, 10, 14, 15, 36, 42, 44, and 48 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishio in view of Denman, and further in view of Frazier et al. (U.S. Patent No. 6,981,025, hereinafter Frazier); Claims 3-5, 13, 21-24, 26, 31, 32, and 45 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishio in view of Denman, and further in view of Duvvury (U.S. Patent No. 6,917,626); Claims 8, 16, 20, 27, and 46 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishio in view of Denman, and further in view of Duvvury and Frazier; and Claims 6, 17, 18, and 25 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishio in view of Denman and Duvvury, and further in view of Carcerano.

With respect to the rejection of Claim 11 under 35 U.S.C. §112, second paragraph, the informality noted in the Office Action is corrected. Accordingly, this ground of rejection is overcome.

Claim 1 is amended to include subject matter previously presented in Claim 42.

Amended Claim 1 recites, *inter alia*,

a comparing unit configured to compare central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device; and

a selection unit, provided in said image forming device, configured to select a managing image forming device to manage the plurality of other image forming devices and said image forming device based on a result of a comparison between the central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device.

Applicant respectfully submits that amended Claim 1 patentably distinguishes over Nishio, Denman, and Frazier, taken alone or in proper combination.

Nishio describes a system where a master agent communicates with one or more subagents.¹ The master agent may be disposed in a network controller or a printer controller.² Page 3 of the outstanding Office Action acknowledges that Nishio does not explicitly disclose the claimed “selection unit.” Furthermore, Nishio does not disclose or suggest “a comparing unit configured to compare central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device.” Nishio does not describe how the master agent is selected.

¹ Nishio, Fig. 11.

² Nishio, paragraph [0132].

Denman describes a system where interconnected nodes perform parallel processing.³

This system implements a method of selecting one of the interconnected nodes as a coordinator that controls the configuration of the parallel processing system.⁴

Denman describes using a voting process to configure the parallel processing system.

Denman states “[e]ach node in the system votes for a node that it believes is the best candidate to control the configuration process.”⁵ The voting process in Denman involves distributing a best node list, which is based on the following qualities: most number of nodes; and most number of nets.⁶ Most number of nodes and most number of nets does not equate to the claimed “central processing unit performance, memory size, or average load.”

Thus, Denman does not disclose or suggest the claimed “a comparing unit configured to compare central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device.” Furthermore, any selection of a coordinator node in Denman is not based on a result of a comparison between the central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device. Thus, Denman does not disclose or suggest the “selection unit” as described in amended Claim 1.

Frazier describes a system that manages a plurality of subnet managers, and a process of electing a master subnet manager.⁷ A priority scheme is used to determine which subnet manager is to be the master subnet manager. The subnet manager with the highest priority becomes the master subnet manager.⁸ However, Frazier does not clearly indicate what determines “highest priority.” Frazier merely states “a minimum amount of information is retrieved for use in determining whether another node has a higher priority. In the depicted

³ Denman, abstract.

⁴ Denman, abstract.

⁵ Denman, col. 2, lines 2-4.

⁶ Denman, col. 7, lines 7-28.

⁷ Frazier, abstract.

⁸ Frazier, col. 9, lines 47-50.

examples, the information includes a physical address, GUID, in combination with a priority value used to determine priority for the master subnet manager.”⁹ There is no disclosure or suggestion of the claimed “central processing unit performance, memory size, or average load.”

Thus, Frazier does not disclose or suggest the claimed “a comparing unit configured to compare central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device.” Furthermore, any selection of a master subnet manager in Frazier is not based on a result of a comparison between the central processing unit performance, memory size, or average load for each of the plurality of other image forming devices and said image forming device. Thus, Frazier does not disclose or suggest the “selection unit” as described in amended Claim 1.

Thus, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Nishio, Denman, and Frazier taken alone or in proper combination. Claims 11, 21, and 28 recite elements similar to those of Claim 1. Claims 11, 21, and 28 (and any claims dependent thereon) patentably distinguish over Nishio, Denman, and Frazier, taken alone or in proper combination, for at least the reasons stated for Claim 1.

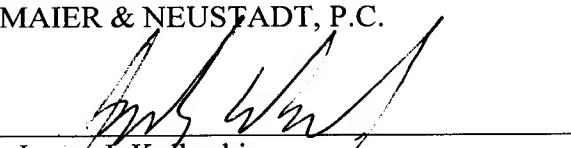
Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Carcerano and Duvvury can overcome the above-noted deficiencies of Nishio, Denman, and Frazier. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

⁹ Frazier, col. 11, lines 42-47.

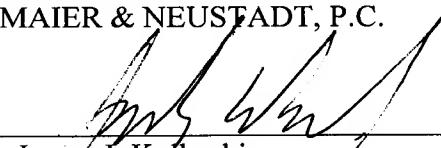
Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kubaski
Attorney of Record
Registration No. 34,648



Joseph Wrkich
Registration No. 53,796

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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